

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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HOWARD,

Petitioner,

- against -

PETRUCCI,

Respondent.
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ANDREW L. CARTER, JR., United States District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 12/29/2020

1:19-cv-06645-ALC
ORDER TO SHOW
CAUSE

Petitioner Mark Howard initiated this petition against James Petrucci, as acting Warden of FCI Otisville, to challenge the conditions of his detention at that facility. Specifically, Howard alleges that he was improperly restricted from using the Federal Bureau of Prisons TRULINC email system while detained at Otisville. As remedy, Howard seeks injunctive relief in the form of a writ directing Petrucci to reinstate his access to email during his sentence.

However, the Bureau of Prisons Inmate Lookup indicates that since the filing of the petition Howard was transferred from Otisville to Fairton FCI. “It is settled in this Circuit that a transfer from a prison facility moots an action for injunctive relief against the transferring facility.” *Prins v. Coughlin*, 76 F.3d 504, 506 (2d Cir. 1996) (citations omitted); *see also McCray v. Lee*, 963 F.3d 110, 117 (2d Cir. 2020); *Thompson v. Choinski*, 525 F.3d 205, 209 (2d Cir. 2008).

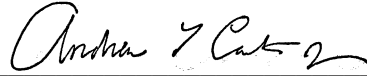
Petitioner Howard is therefore ORDERED TO SHOW CAUSE why this case should not be dismissed as moot in light of his transfer from FCI Otisville to Fairton FCI. Any such response must be made in writing by February 17, 2021, by which date Respondent may also respond to this Order. Respondent is ORDERED to serve this Order on Petitioner, and file proof

of service, by January 8, 2021.

SO ORDERED.

Dated: New York, New York

December 29, 2020

A handwritten signature in black ink, reading "Andrew L. Carter, Jr.", written over a horizontal line.

ANDREW L. CARTER, JR.
United States District Judge